

**REMARKS**

Claims 1, 2 and 7-26 are all the claims pending in the application. By this Amendment, claims 1 and 21 are amended to provide a more explicit recitation; however, Applicant respectfully submits that the amendments are not made for the purpose of patentability. In view of the foregoing amendments and following remarks, applicant respectfully requests withdrawal of the rejections and allowance of the claims.

**I. Claims 1, 2 and 7-22 are not anticipated**

In the May 2, 2006 Office Action, claims 1, 2 and 7-22 stood rejected under 35 U.S.C. §102(e) in view of Blaser. Applicant respectfully submits that the amendments and attached revised Declaration Under 37 C.F.R. § 1.131, as well as the following arguments, overcome these rejections. Accordingly, applicant respectfully requests withdrawal of the rejections, and allowance of the claims.

**A. Independent claims 1, 2, 21 and 22**

In response to applicant's February 6, 2006 reply, the Examiner stated that the Declaration under 37 C.F.R. § 1.131 requires a more clear explanation as to the specific facts upon which the conception and diligence are based.

In response, applicant respectfully submits the attached revised Declaration under 37 C.F.R. § 1.131, including a further detailed description about the location of each element of the pertinent claims in the accompanying exhibits. Applicant respectfully submits that the attached revised 131 Declaration further clarifies the previously submitted 131 Declaration, with respect to independent claims 1, 2 and 21-22.

Additionally, applicant respectfully submits that continuous diligence has been shown during the required period. With respect to the time during which the patent attorney prepared the applicant, applicant refers the Examiner to *Bey v. Kollonitsch*, 866 F.2d 1024, 231 USPQ 967 (Fed. Cir. 1986) (Reasonable diligence is all that is required of the attorney. Reasonable diligence is established if attorney worked reasonably hard on the application during the continuous critical period. If the attorney has a reasonable backlog of unrelated cases which he takes up in chronological order and carries out expeditiously, that is sufficient.) Based on the foregoing, applicant respectfully submits that the attorneys were diligent during the period noted in the attached Declaration, and that the requirements for particularity with respect to the activities during the time period from just prior to April 7 until May 30 has been shown.

Applicant respectfully submits that the foregoing revised declaration is sufficient and proper in view of the relevant decisional law regarding the practice of swearing behind. If the Examiner still believes that further showings are required, applicant respectfully requests that the Examiner identify the specific portions of the showing of diligence that are believed to be insufficient. Further, if the Examiner has inquiries regarding this matter, or requires any further clarification on this point, applicant kindly requests that the Examiner contact the undersigned by telephone.

#### **B. Dependent claims**

Dependent claims 7-12 and 19 depend from independent claim 1, and dependent claims 13-18 and 20 depend from independent claim 2. Applicant respectfully submits that the dependent claims are allowable at least by virtue of the dependency from independent claims 1

and 2, which are believed to be allowable for at least the reasons discussed above, and in view of the attached evidence, declaration, and amendments.

Additionally, applicant further submits that Blaser does not anticipate claims 7-9 and 13-15. For example, but not by way of limitation, applicant respectfully submits that Blaser does not disclose each and every limitation of these claims. For example, but not by way of limitation, applicant respectfully submits that Blaser fails to disclose implicit data selected from queries and actions taken after responding to the queries, the implicit data being added iteratively to the central database to supplement the central database and progressively tailor the information retrieval results, *and* explicit data that includes a user input in response to a query, the user input including user profile information and user feedback concerning information retrieval results, with the explicit data also being added iteratively to supplement the central database and perform the claimed progressive tailoring, as recited in claims 7-9 and 13-15.

While the Examiner asserts that column 9, lines 41-65 and column 10, lines 14-48 disclose the subject recited in claim 7, applicant respectfully disagrees. For example, but not by way of limitation, applicant respectfully submits that Blaser fails to disclose the formation of an *augmented central database* based on the implicit data, as well as the progressive tailoring of the data for a user based on the implicit data, as recited in claim 7. Instead, Blaser merely captures, analyzes and stores the information. Applicant respectfully submits that column 10, lines 10-48 relates to the collection of data; however, applicant respectfully submits that it is not clear how the implicit data of Blaser is *progressively tailored*, as required by claim 7.

With respect to claims 8 and 9, applicant respectfully submits that Blaser does not disclose the explicit data as recited. More specifically, applicant respectfully submits that Blaser

discloses that the user data that is captured, analyzed and stored, but beyond this disclosure, the progressive tailoring of explicit data, as required by claims 8 and 9, is simply not disclosed in Blaser.

Thus, applicant respectfully requests withdrawal of the rejections of claims 7-9, and allowance thereof. Further, applicant respectfully submits that claims 13 and 14 are allowable for similar reasons as discussed above with respect to dependent claims 7 and 9.


In view of the foregoing, applicant respectfully requests withdrawal of the rejections, and allowance of the claims.

## **II. Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

  
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